THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 20203 OF 2007

DATED:21-09-2007

Between:

Mallareddy Leela Keshava Naga
Atchuta Rao, Visakhapatnam and another

… Petitioners

And :

Greater Visakhapatnam Municipal Corporation,
Visakhapatnam and another

… Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 20203 OF 2007

ORAL ORDER

The writ petition is filed apprehending demolition by the 1st respondent-Municipality. The petitioners are together owners of two adjacent extents of 417 square yards, one in Plot No.25, Sy.No.20/P, Peda Gantyada Vuda Lay out, Gajuwaka Mandal, and the other in Plot No.HIG 26. They consolidated the properties and applied jointly to the 1st respondent-Corporation for a building permission. Building permission is stated to have been approved and granted on 25-05-2007 enabling construction of a stilt floor, ground floor + four floors. The petitioners assert to be proceeding with the construction only in accordance with the approved plan. While so it is alleged, without any notice under Section.452 or 636 of the Hyderabad Municipal Corporation Act, 1955 (as is applicable to the 1st respondent-Corporation), the authorities of the 1st respondent approached the property on 20-09-2007 proposing demolition along with a demolition squad. In the circumstances the writ petition is filed.

The learned Standing Counsel for the 1st respondent Sri N.Ranga Reddy submits that the respondents cannot and will not pursue demolition without following the due process of law namely under Sec. 452 or 636 of the Hyderabad Municipal Corporation Act, 1955. It is however submitted that the respondents are statutorily obligated to restrain any person from making deviant constructions and contrary to the sanctioned plan.

In the light of the averments made on behalf of the respondents, the writ petition is disposed of at the stage of admission directing the respondents not to resort to demolition in the petitioners' premises without following the due procedure and issuance of notice under Section.452 or 636 of the Hyderabad Municipal Corporation Act, 1955. However, if there be any deviations in the construction by the petitioners the respondents shall forthwith inspect the premises and stop further construction. For demolition however, the respondents shall follow the procedure indicated above.

In the circumstances there shall be no order as to costs.

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GODA RAGHURAM,J

21ST SEPTEMBER 2007

Note:

Issue CC

As soon as

Possible

(B/O)

***TSNR**